

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

---

No. 6:19-cv-00265

---

**Sederick Von Lee,**  
*Plaintiff,*

v.

**Maxey Cerliano,**  
*Defendant.*

---

Before BARKER, *District Judge*

---

**ORDER**

On June 17, 2019, plaintiff filed this action alleging violations of his constitutional rights while confined in the Gregg County Jail in 2011. Doc. 1. The case was then referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636(b)(1) and (3).

Judge Love issued a report and recommendation, Doc. 14, which recommended that this case be dismissed as malicious with prejudice for purposes of proceeding in forma pauperis. The report further noted that, earlier this year, plaintiff filed an identical lawsuit to this one, which the court dismissed because the statute of limitations had run.<sup>1</sup> Plaintiff filed no objections. The court now reviews magistrate judge's conclusions of law and fact for plain error. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc). The court finds no error.

Accordingly, the report and recommendation is **adopted**. The complaint is **dismissed** with prejudice. Any pending motions in this case are hereby **denied**. The clerk of court is **directed** to close this case.

---

<sup>1</sup> 6:19-cv-00028

*So ordered by the court on August 21, 2019.*

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER  
United States District Judge